

From: Stewart Jenkins
To: Microsoft ATR
Date: 1/25/02 5:01pm
Subject: Comments for Federal Register

From Webster's Revised Unabridged Dictionary:

Punishment \Pun"ish*ment\, n.

Severe, rough, or disastrous treatment. [Colloq. or Slang]

2. Any pain, suffering, or loss inflicted on a person because of a crime or offense.
3. (Law) A penalty inflicted by a court of justice on a convicted offender as a just retribution, and incidentally for the purposes of reformation and prevention.

As defined, Microsoft has not been punished as a result of being found guilty. Microsoft was found guilty of violating both sections 1 and 2 of the Sherman Act. It is unfathomable that the winner in a case, the United States government, would attempt to promote a compromise for the punishment. There is no compromise in punishment. Microsoft lost. They are to be punished.

Justice will not be served by hastening a decision that will affect the people of this country or the security of this country and the world. Microsoft should not be allowed to use the events of September 11 to maintain their illegal monopoly under the guise of "national security". Expediting a settlement will have no effect on defeating Al Qaeda. Allowing Microsoft to maintain its illegal monopoly, as has been suggested by the proposed settlement, will be to the detriment of our nation's security. In late December 2001, the FBI's National Infrastructure Protection Center warned the American public that using the Universal Plug and Play feature of Windows XP would allow an attacker to execute any commands and take any actions they choose on the victim's computer. Other vulnerabilities exist and are listed on the FBI's web site. Using Microsoft products actually pose a national security risk. A thoughtful, deliberate punishment should be delivered to Microsoft, expediency be damned.

Microsoft's monopoly must not be allowed to continue. The only acceptable punishments should include forcing Microsoft to publish their file format standards. Microsoft Word is the most common word processor used. Once you have a grammar checker, a spell checker, multiple fonts, a graphics processor/importer, tables, frames, collaboration features and colored text, then what else is there to exploit? Yet, Microsoft introduces a new version of Word every year or so, its sole purpose being to make the previous version obsolete by changing the file format, or the way the text

is stored on a computer. If I write a book using Microsoft Word 2000 and save it to a recordable CD, then I carry the CD to my publisher for publication of my book, I must be sure he can read it on his computer. If he only has a license for Word '97, he can't open the file my book is stored in. The file format changed from 1997 to 2000, even from 1999 to 2000. Text is text, yet at Microsoft's discretion, I cannot use my own creation unless I maintain a Microsoft licensed product. Pretty powerful company, in that they can control how I might access my own intellectual property. Yet a common, or published file format can always be accessed. Others can program competing products to make it possible for me to access my intellectual property on Microsoft operating systems or other operating systems. Microsoft has all the control now.

If anyone thinks Microsoft doesn't want to control the majority of the internet, they haven't been keeping up with the computer industry over the last ten years. Microsoft should be required to publish all current and future internet and networking protocols. If Microsoft does to networking protocols what it has done to document file protocols, we are only a few years away from their being able to control all internet access via their own protocols. They will have a hand in every transaction that takes place over the internet. No money will change hands, no commerce will exist unless Microsoft says so, via their control of the protocols used for internet commerce.

The ability to buy an off the shelf computer system without Microsoft Windows for a lower cost than with Windows should be possible. It currently is not possible. Microsoft operating systems are installed on all consumer grade IBM PC compatible computers. I pay for Microsoft Windows whether I plan to use it or not. If the operating system was sold as off the shelf software, just as all other off the shelf computer software, the customer could then make an informed decision about which operating system would best suit their needs. This would also prevent Microsoft from creating pre-load deals with manufacturers. The customer would commit to the cost of the operating system as a conscious act. Those that don't wish to use Windows could choose an open source or other commercial operating system and would not be forced to pay a Microsoft tax by buying a pre-installed version of Windows that they never planned to use. I currently have licenses for several Microsoft products that I have never used because I could not buy the computer without them. Why do I have to pay this cost? Because Microsoft says I do.

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